

September 11, 2006
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0). Assistant City Clerk Linda Marshall and City Attorney Paul Suskie were also present.

The invocation was given by Alderman Thomas, followed by the pledge of allegiance to the flag which was led by Alderwoman Robinson.

On the motion of Alderman Witcher and seconded by Alderman Berry and by consent of all members present, the minutes of a regular council meeting held on Monday, August 28, 2006, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communications # 1, 3, and 4 were accepted and filed (8/0).

1. Ken Ziegenbein, Claycut Circle email to Mayor Hays re: City Council meeting August 28, 2006, disappointment re: vote for tire store on JFK.
3. Sharon Tedford, Mayor's Office memorandum re: retail beer on premises - change of manager White Pig Inn, 5231 East Broadway by Gregory V. Seaton, Jr.; and, restaurant mixed drink and Sunday beverage - change of manager Red Lobster, 3707 McCain Boulevard by Rhonda J. Akins; and, retail beer on premises permit for La Parranda, 3405 Pike Avenue by Ernesto G. Anaya.
4. Monique Bowers, Petition requesting speed hump on Schaer Street (20 signatures).
5. Robert Voyles, Planning Director, memorandum to Mayor and Council re: differences between proposed River Road Overlay and Minimum Residential Design Standards.

On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, communication #2 was read by title only, accepted and filed (8/0).

2. Dan Flowers, Director of Highways and Transportation letter to Mayor Hays re: widening project for East Broadway (Highway 70), Utilities Section staff will monitor progress and review.

Mayor Hays invited persons (names were not provided) from River City Ministries to come forward. River City Ministries (RCM) is a 501C3, faith-based human service and community organization solely dedicated to persons who are poor, oppressed and outcasts of society. Since its beginning in 1989 at Silver City Courts, the ministry has moved through several phases of development. Last year, over 7,000 hot meals were provided. Full medical, dental and eye exams have been provided. There is a need for expansion. North Little Rock was thanked for its contributions.

Mayor Hays convened a public hearing re: O-06-80, an ordinance establishing the River Road Overlay District and amending Ordinance No. 7697 (the Zoning Ordinance). Mr. Jack Finnegan said he supports this legislation. There being no one else wishing to be heard, the public hearing was adjourned.

Mayor Hays convened a public hearing re: O-06-81, an ordinance amending NLRMC § 10-41 to regulate the tethering of dogs. Alderwoman Robinson said there are people in the city who chain their dogs in such a way as to cause harm to the animal. Mr. John Muldrow chaired an Advisory Board for the City of Little Rock regarding chaining dogs and distributed material related to the same. Chained dogs often are neglected and injured and/or killed when chains become embedded in their necks or they jump a fence. This is an important step for the city to take. Emily Pill rescued a chained dog and has created a website with information regarding chaining dogs and agreed most are neglected. Bobby Taylor said a dog had wound itself up in a chain and choked itself. There being no one else wishing to be heard, the public hearing was adjourned.

UNFINISHED BUSINESS

O-06-77

AN ORDINANCE ESTABLISHING A LOW INCOME ELECTRIC CUSTOMER ASSISTANCE FUND FOR CUSTOMERS OF THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times on August 28, 2006, was read a third and final time. Mayor Hays advised a substituted ordinance had been circulated this date. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the ordinance was amended as follows: *substitute copy provided this date* (8/0). Mayor Hays referred to Section 2 and reviewed options contained therein. Any customer participating in the roundup program could withdraw at anytime (within a 12 month period) and receive a reimbursement. After discussion, Alderman Witcher made a motion which was seconded by Alderman Hight. After further discussion Aldermen Witcher and Hight withdrew their motion. The item was then held by the sponsor, Mayor Hays to allow the City Attorney time to work on an amendment.

O-06-80 (ORDINANCE NO. 7857 - MAYOR HAYS)

AN ORDINANCE ESTABLISHING THE RIVER ROAD OVERLAY DISTRICT AND AMENDING ORDINANCE NO. 7697, THE NORTH LITTLE ROCK ZONING ORDINANCE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times on August 28, 2006, and a public hearing was held this date, was read a third and final time. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-06-81

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE § 10-41 TO REGULATE THE TETHERING OF DOGS; AND FOR OTHER PURPOSES, was read three times on August 28, 2006, and a public hearing was held this date, was again read. A motion to adopt was made by Alderman Berry and seconded by Alderwoman Robinson. Tethering and pen

size were discussed. The legislation was then held by the sponsor, Alderwoman Robinson to allow time for amendments to be reviewed and presented.

NEW BUSINESS

R-06-116

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH AT&T ARKANSAS TO OFFER IP-ENABLED SERVICES IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A public hearing was scheduled for 7:05 p.m., Monday, September 25, 2006. Mr. Jason Carter, Chief Deputy City Attorney advised he has been talking with attorneys representing the parties regarding a franchise fee and reviewed proposed amendments to current legislation. Mayor Hays referenced O-06-85 and advised he would withdraw it at this time and would refile the ordinance for the next meeting. Mayor Hays introduced Mr. Eddie Drilling with AT&T who reviewed services provided by the company. This legislation was then held until the next meeting at the request of the sponsor, Mayor Hays.

Mayor Hays acknowledged Mike Wilson with Comcast Cable who was present.

Mayor Hays recessed the meeting at 8:05 p.m. and reconvened at 8:17 p.m.

R-06-117 (RESOLUTION NO. 6990 - MAYOR HAYS)

A RESOLUTION REAPPOINTING DR. DAVID BEVANS TO THE LAKEWOOD RECREATIONAL AREA IMPROVEMENT DISTRICT NO. 4 BOARD OF ASSESSMENT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Thomas, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-118

A RESOLUTION APPROVING AND ADOPTING THE MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN FOR THE CITIES OF NORTH LITTLE ROCK AND LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Bryant. Mr. Rick Ezell, Director of Emergency Services reviewed the plan. Mayor Hays said a copy of the plan would be available for review in the City Clerk's office. Mayor Hays then held the legislation.

R-06-119 (RESOLUTION NO. 6991 - MAYOR HAYS AND ALDERMAN HIGHT)

A RESOLUTION ADOPTING THE LEAGUE OF AMERICAN BICYCLISTS' ACTION PLAN FOR A BICYCLE FRIENDLY COMMUNITY; AND FOR OTHER PURPOSES, was read. Alderman Hight said the resolution represents a mission statement for the city. Ron Rizzardi advised Gene Pheifer has done a lot of work on this. Bicycles will not damage the environment with "greenhouse" emissions. Mr. Rizzardi rides his bike to work daily. City funds would not be appropriated to execute the plan. The legislation was then read and on the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-120 (RESOLUTION NO. 6992 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH CBM CONSTRUCTION CO., INC. FOR EXPANSION OF NORTH LITTLE ROCK FIRE STATION NO. 7 (McCain Boulevard); APPROPRIATING FUNDS (\$133,410.00 - Sales Tax Capital Improvement Fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. After brief discussion, and on the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-121 (RESOLUTION NO. 6993 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CHIEF OF POLICE TO STUDY THE FEASIBILITY AND COST OF A SURVEILLANCE CAMERA SYSTEM TO DETER AND APPREHEND CRIMINAL OFFENDERS AND TO ENHANCE THE SAFETY FOR THE CITIZENS OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. Mayor Hays asked Police Chief Danny Bradley to come forward. Chief Bradley said downtown would be a good test area due to all of the activity in the area (i.e., Alltel Arena, the baseball stadium, business, construction projects, etc.). Strategically placed cameras benefit police officers in doing their jobs. Cameras could be relocated to problem areas as needed. On the motion of Alderman Bryant and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-122

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1301 NORTH PINE STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was called. Mayor Hays advised the owner was working on the property. At the request of Code Enforcement, he withdrew the legislation (*owner: Queen Ester Gayden*).

R-06-123 (RESOLUTION NO. 6994 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1004 NORTH "F" STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Berry and seconded by Alderwoman Robinson. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0) (*owner: Louis Alexander*).

R-06-124 (RESOLUTION NO. 6995 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1204 EAST 16TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE

SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Parker and seconded by Alderman Berry. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0) (*owner: Magnolia Williams*).

R-06-125 (RESOLUTION NO. 6996 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1002 NORTH "E" STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Witcher. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. Alderman Gipson asked if the mortgage company could be billed for demolition expenses as they received insurance payments on the property. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0) (*owner: Home Comings Mortgage Company, Minneapolis, Minnesota c/o David Brooks*).

R-06-126 (RESOLUTION NO. 6997 - ALDERMEN WITCHER AND HIGHT)

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO ACCEPT THE LOWEST QUALIFIED BID AND ENTER INTO A CONTRACT WITH GENE SUMMERS CONSTRUCTION CO., INC., NORTH LITTLE ROCK, AR., FOR DRAINAGE AND STREET IMPROVEMENTS AND SIDEWALK PROJECT, MARTIN DRIVE, BEGINNING AND ENDING AT CAMP ROBINSON ROAD, IN THE AMOUNT OF \$212,415.60, 30TH YEAR (2004) CDBG PROGRAM, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-127

A RESOLUTION REQUESTING THE INSTALLATION OF THREE-WAY STOP SIGNS ON KIERRE DRIVE IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read and held at the request of sponsor, Alderman Hight.

O-06-85

AN ORDINANCE AUTHORIZING THE FRANCHISE OF SOUTHWESTERN BELL TELEPHONE, L.P., FOR THE CONTINUED OPERATION OF ITS TELEPHONE SYSTEM AND ALL BUSINESS INCIDENTAL TO OR CONNECTED WITH THE CONDUCTING OF A TELEPHONE BUSINESS AND SYSTEM WITHIN THE PUBLIC PROPERTY OF THE CITY, AND PROVIDING A FRANCHISE FEE TO BE PAID TO THE CITY; REPEALING ALL ORDINANCES AND AGREEMENTS IN CONFLICT HERewith; AND FOR OTHER PURPOSES, was withdrawn by the sponsor, Mayor Hays (*to be refiled*).

O-06-86 (ORDINANCE NO. 7858 - MAYOR HAYS)

AN ORDINANCE CALLING AN ELECTION TO DESIGNATE THAT ONE-FOURTH (1/4) OF ALL PROCEEDS DERIVED FROM THE CURRENT ONE PERCENT (1%) SALES AND

USE TAX IN NORTH LITTLE ROCK, ARKANSAS BE FOR FINANCING CAPITAL IMPROVEMENTS OF A PUBLIC NATURE AND THE REMAINING THREE-FOURTHS (3/4) BE FOR GENERAL OPERATING PURPOSES, AND PRESCRIBING OTHER MATTERS PERTAINING THERETO, was read.

Mayor Hays reminded everyone the city is looking for ways to become less dependent on Electric Department Revenue due to rising energy costs. Approximately \$16 to \$17 million is collected through the one percent sales and use tax. This tax has allowed the city to remove Sanitation fees and provide more sidewalks and street improvements. A percentage of the General Fund funds employee salaries and benefits. Alderman Thomas mentioned agreed uses of the permanent tax. On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). The ordinance was read a second time. Alderman Hight made a motion for a "sunset" clause, which Mr. Suskie advised against. Alderman Gipson advised \$750,000.00 of Ward funds come from this fund and reviewed other appropriations. Al Schultz reminded everyone of September 11, 2001, and spoke regarding Police services provided by the city of North Little Rock, along with the amount of the current sales tax which goes towards equipment and not salaries. Ray Vance, President of the Fire Union said the Fire Department supported the initial one percent sales tax in 2000. New fire stations have been added, however manpower has not increased since 1976. They did not receive the 3% cost of living increase last year and do not foresee one next year. He asked for specific uses of the tax. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the ordinance was amend as follows:: *substitute copy provided this date inserting* WHEREAS, IT IS THE INTENT OF THE CITY COUNCIL THAT ANY REDUCTION IN CAPITAL EXPENDITURES RESULTING FROM THIS ORDINANCE SHALL BE USED TO REDUCE THE DEPENDENCY ON TRANSFERS FROM THE ELECTRIC DEPARTMENT (8/0). On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the rules were again suspended *as amended* and the ordinance was placed on its third and final reading (8/0). The roll having been called, and the following members having voted in the affirmative: Gipson, Bryant, Parker, Hight and Witcher, and the following members having voted no: Robinson, Thomas and Berry, the motion to adopt as amended passed (5/3). On the emergency clause (*added in amended version provided this date*), and the following members having voted in the affirmative, Gipson, Bryant, Parker, Hight and Witcher, and the following members having voted no: Robinson, Thomas and Berry, and the Mayor having voted yes, the motion carried (6/3).

O-06-87

AN ORDINANCE ADOPTING A STATEMENT OF RIGHTS FOR LAW ENFORCEMENT OFFICERS OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Mayor Hays.

PUBLIC COMMENTS-----

Alderwoman Robinson thanked Harold Ford, Sanitation Director for attending the Argenta meeting, clarifying and sharing information regarding sanitation services. Alderman Gipson said the area CDC meeting regarding the Schaer Street area was a good one. James Ard reminded everyone to vote. He thanked Alderwoman Robinson for the dog tethering ordinance. Patrick Stair said the roundup plan is an excellent idea and wanted to be sure there is an opt-out plan. Teresa Burl reminded everyone of the school board election Tuesday, September 19, 2006. Mr.

Vance said the Fire Department was asked to give up their lodge for the Maritime Museum. At that time, they were told another location would be provided. That was 28 months ago. Now that the museum has relocated to the Mary Munns, the Fire Department would like to have their old lodge back. Mayor Hays recalled the city would provide material for a lodge if the Fire Department provided "sweat-equity". Mr. Vance said the location near the Police Lodge was not available because it is located in the flood plain. Retirees have utilized the lodge in the past. Mayor Hays advised there was an area in the vicinity of Fort Roots under consideration. Mr. Vance said they need a home for their lodge. Bobby Taylor said he supported a conditional use which was recently approved by the council. The owner, Norman Clifton has a "for sale" sign up now. He asked what would happen to the land. Ginger Yates said the ordinance prohibiting tethering dogs needs to be adopted. Animal Control needs a law that gives them the authority to punish dog owners. Christine Slogan supports the ordinance.

There being no further business to come before the Council, and on the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the meeting adjourned at 9:20 p.m. (8/0), until the next regular meeting to be held on Monday, September 25, 2006, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS
ATTEST: DIANE WHITBEY, CITY CLERK